



DAC \$ #17

Attorney Docket No. 71351/49,706

In re U.S. Patent to: DiPietro, et al
U.S. Patent No.: 5,682,074
Issued: October 28, 1997
For: ELECTRIC VEHICLE MOTOR

RECEIVED
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OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date: January 3, 2002

By:

Judith A. Herrick
Judith A. Herrick

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Office of Petitions

Adjustment date: 03/19/2002 AKELLEY
02/07/2002 AKELLEY 00000005 5682074
01 FC:197

PETITION TO REINSTATE EXPIRED PATENT

(37 C.F.R. §1.378)

Repln. Ref: 03/19/2002 AKELLEY 0013455100
DAH:041105 Name/Number:5682074
FC: 704 Sir: \$1205.00 CR

This is a Petition under 37 CFR Rule 1.378(b) to accept an unavoidably delayed payment of a maintenance fee in connection with U.S. Patent No. 5,682,074 to DiPietro, et al.

02/07/2002 AKELLEY 00000005 5682074

01 FC:197 1205.00 OP

02/06/2002 CCHAU1 00000035 5682074

01 FC:698 1205.00 OP

Adjustment date: 02/07/2002 AKELLEY
02/06/2002 CCHAU1 00000035 5682074
01 FC:698

-1205.00 OP

In re U.S. Patent to: DiPietro, et al
U.S. Patent No.: 5,682,074
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PETITION

Applicants hereby respectfully petition the Commissioner to accept the payment of the first maintenance fee after the expiration of the U.S. Patent No. 5,682,074 to DiPietro, et al. in that the late payment was unavoidable.

Applicants further petition the Commissioner to waive the late payment surcharge fee for unavoidable delay because the reasons for the unavoidable delay are the result of problems with the United States Postal Service and mail delivery to the United States Patent and Trademark Office.

REASONS FOR UNAVOIDABLE DELAY

1. U.S. Patent No. 5,682,074 to DiPietro, et al. (the "Patent") was issued by the United States Patent and Trademark Office on October 28, 1997. The patent has been assigned to SatCon Technology Corporation, a small entity.
2. The first maintenance fee was due on April 28, 2001 but no later than October 28, 2001 with the payment of a surcharge.
3. Applicants deposited a maintenance fee transmittal form duly signed, a certificate of mailing duly signed, a check in the amount of \$505.00 for the maintenance fee and surcharge for a small entity, and an acknowledgement postcard, with the United States Postal Service on October 26, 2001. See Appendices A and B.
4. Applicants received a Notice of Patent Expiration dated December 4, 2001 on December 17, 2001, indicating that no payment had been received. See Appendix C.

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5. Applicants confirmed with their accounting personnel on December 17, 2001 that check no. 705785 had not been processed and was still outstanding.

Accordingly, Applicants believe that the delay was unavoidable and, further, not the fault of the Applicants. Thus, Applicants respectfully petition the Commissioner to accept payment of the issue fee after expiration of the patent and, further, to waive the surcharge for unavoidable late payment.

If it is determined that this Petition has been filed under the wrong section/ paragraph of Rule 378, then the USPTO is requested to consider this Petition to be under the proper rule. Also, if the USPTO requires further information or additional clarification in support of the grant of the within Petition, then Applicants respectfully request that the undersigned be contacted.

PETITION FEES

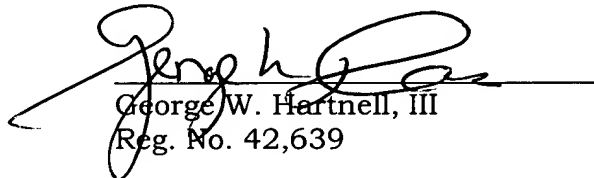
Enclosed herewith please find a check in the amount of \$1,205.00 in full payment of the maintenance fee for a small entity, the 6-month late payment surcharge for a small entity, and the surcharge for unavoidable late payment.

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Applicants believe that additional fees are not required for consideration of the within Petition. If for any reason any fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge or credit Deposit Account No. **04-1105**, which ever is appropriate.

Respectfully submitted,

Date: January 2, 2002


George W. Hartnell, III
Reg. No. 42,639

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
Edwards & Angell, LLP
P.O. Box 9169
Boston, MA 02209
(617) 517-5523
Customer No. 21874
186279

tab 9

Mailing Date: **October 26, 2001**
Client: **71351**
Inventors: **C. DiPietro, et al.**
Serial No.: **08/205,045**
Filing Date: **3/2/1994**

Attorney/Sec. **GWH/dmt**
Docket No.: **49,706**

Patent No.: **5,682,074**
Grant Date **10/28/1997**

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of

Maintenance Fee Transmittal Form
Check for \$505.00
Certificate of Mailing
Postcard

Due Date: **10/28/2001**

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

 **EDWARDS & ANGELL, LLP**
COUNSELLORS AT LAW
since 1894
101 Federal Street
Boston, MA 02110

 **Fleet** 52-36/112 No. **705785**

CHECK DATE
October 26, 2001

CHECK NO.
705785

FIVE HUNDRED FIVE AND 00/100 DOLLARS

CHECK AMOUNT
\$***505.00

PAY TO
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OF

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Two Signatures Required For Amounts Exceeding \$2000.00
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THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

|| 705785 || :0112003651:93550 27633 ||

MAINTENANCE FEE TRANSMITTAL FORM

Address to:
Commissioner of Patents and Trademarks
Box M Fee
Washington, D.C. 20231

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☒ A check in the amount of \$505.00 for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Commissioner is hereby authorized to charge _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
3. ☒ The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

* Information required by 37 CFR 1.366(c)(columns 1 & 5). Information requested under 37 CFR 1.366(d) (columns 2-4 & 6-9)

Item	Patent Number*	Fee Code (see below)	Maintenance Fee Amount (37 CFR 1.20)	Surcharge Amount	U.S. Application Number* [06/555,555]	Patent Date mm/dd/yy	Application Filing Date mm/dd/yy	Payment Year	Small Entity?
1	5,682,074	283	440.00	65.00	08/205,045	10/28/97	03/02/94	3.5	Yes
2									
3									
4									
5									
6									
7									
8									

Sub-totals / Columns 3 & 4

440.00 65.00

Total Payment

\$505.00

Use additional sheets for listing additional patents.

Maintenance Fee Codes:

- 183 (283 for small entity).....Due at 3.5 years
- 184 (284 for small entity).....Due at 7.5 years
- 185 (285 for small entity).....Due at 11.5 years
- 186 (286 for small entity).....Surcharge - Late payment within 6 months
- 187.....Surcharge after expiration - Late payment is unavoidable
- 188.....Surcharge after expiration - Late payment is unintentional

[For Office Accounting Use Only]

*Payor's Signature***

*Payor's Name** and Fee Address*

George W. Hartnell, III (Reg #42,639)
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
Edwards & Angell, LLP
P.O. BOX 9169
Boston, MA 02209

Payor's Number (if assigned) 00271

I certify that this document and fee is being deposited on 10/26/2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Box M Fee, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Donna M. Tomaso

Typed or Printed Name of Person Mailing Correspondence

**WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, PAYOR'S NAME AND SIGNATURE SHOULD BOTH APPEAR IN THE BOTTOM LEFT CORNER OF THIS FORM.

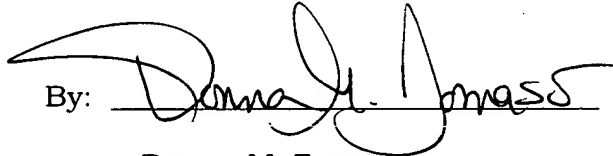
tab B

AFFIDAVIT

I, the undersigned, Donna M. Tomaso, hereby declare that on October 26, 2001, I deposited the following with the United States Postal Service as first class mail, mailing same to the Commissioner of Patents and Trademarks, Box M Fee, Washington, DC 20231:

a maintenance fee transmittal form for U.S. Patent No. 5,682,074,
a check in the amount of \$505 for the maintenance fee for U.S. Patent No. 5,682,074,
a certificate of mailing, and
an acknowledgment postcard.

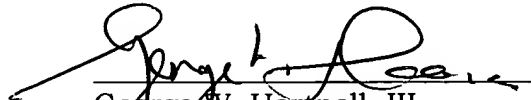
This AFFIDAVIT is duly executed this 2ND day of January, 2002.

By: 
Donna M. Tomaso

Commonwealth of Massachusetts }
County of Suffolk }

Personally appeared before me Donna M. Tomaso, who signed the foregoing Affidavit in my presence on the date thereof and acknowledged the same to be her voluntary act and deed.

l.s.


George W. Hartnell, III
NOTARY PUBLIC
My Commission Expires:
George W. Hartnell, III
NOTARY PUBLIC
My commission expires 11, 2005

tab C

NOTED ON SYSTEM



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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EDWARDS & ANGELL LLP
DIKE BRONSTEIN
ROBERTS CUSHMAN

DATE PRINTED

12/04/01

P75M

DIKE, BRONSTEIN, ROBERTS & CUSHMAN
INTELLECTUAL PROPERTY PRACTICE GROUP
EDWARDS & ANGELL
P.O. BOX 9169
BOSTON MA 02209

NOTICE OF PATENT EXPIRATION

According to the records of the Patent and Trademark Office, payment of the maintenance fee for the patents listed below has not been timely received prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b).

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(m) are paid, AND THE DELAY IN PAYMENT OF THE MAINTENANCE FEE IS SHOWN TO THE SATISFACTION OF THE COMMISSIONER TO HAVE BEEN UNAVOIDABLE. 35 U.S.C. 41(c)(1).

IF THE COMMISSIONER ACCEPTS PAYMENT OF THE MAINTENANCE FEE UPON PETITION, THE PATENT SHALL BE CONSIDERED AS NOT HAVING EXPIRED, BUT WOULD BE SUBJECT TO THE INTERVENING RIGHTS AND CONDITIONS SET FORTH IN 35 U.S.C. 41(c)(2).

NOTICE OF THE EXPIRATION WILL BE PUBLISHED IN THE OFFICIAL GAZETTE.

PATENT NUMBER	U.S. SERIAL NUMBER	PATENT DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
5682074	08205045	10/28/97	03/02/94	10/28/01	

Petition to Withdraw Holding of
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
101 Federal St. Boston, MA 02110
Date Rec'd 12/17/01
Docketed For Jan 17, 2002 - F. 4617, 2002
By KRU
Approved _____